

**Baker & Hostetler LLP**

45 Rockefeller Plaza

New York, NY 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

PETER D. KAMENSTEIN,

Defendant.

Adv. Pro. No. 10-04648 (CGM)

**STIPULATION OF AND ORDER FOR VOLUNTARY DISMISSAL  
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard  
L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C.

§§ 78aaa, *et seq.*, and the substantively consolidated Chapter 7 estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Peter D. Kamenstein, individually (“Defendant”), by and through his counsel, Chaitman LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee commenced the above-captioned adversary proceeding (the “Adversary Proceeding”) by filing and serving the Complaint against Defendant.

2. On May 21, 2021, the Parties entered into a settlement agreement (the “Agreement”) pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].

3. In accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), made applicable hereto by Federal Rule of Bankruptcy Procedure 7041, the Parties hereby stipulate to a dismissal of the Adversary Proceeding without prejudice and without costs to either Trustee or Defendant. Such dismissal will be subject to the right to reopen the Adversary Proceeding to seek entry of Judgment pursuant to the Stipulation for Entry of Judgment, attached as Exhibit A to the Agreement. Upon receipt of the Final Settlement Payment, as defined in the Agreement, and provided there is no default under the Agreement, this dismissal shall be deemed with prejudice.

4. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties in interest.

5. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall

be deemed an original.

Dated: June 4, 2021

**BAKER & HOSTETLER LLP**

By: /s/ Nicholas J. Cremona  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Nicholas J. Cremona  
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
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**CHAITMAN LLP**

By: /s/ Helen D. Chaitman  
Helen Davis Chaitman  
465 Park Avenue  
New York, New York 10022  
Phone & Fax : (888) 759-1114  
hchaitman@chaitmanllp.com

*Attorney for Defendant*

**SO ORDERED.**

**Dated: June 7, 2021  
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris  
Chief U.S. Bankruptcy Judge**